

REMARKS

Presently, claims 1 to 13 and 15 to 21 are pending in the application. Claim 15 stands objected to. Claims 1 to 3, 6 and 19 stand rejected under 35 U.S.C. §103(a) over the Langford US Patent No. 5,443,801 and Younkes PCT Application WO 98/03211. Claims 4, 5, 7, 17, 18 and 20 stand rejected under 35 U.S.C. §103 over Langford, Younkes and the Koubek US Patent No. 4,512,951. Claims 8 and 21 stand rejected under 35 U.S.C. §103(a) over Langford, Younkes and the Sanderson US Patent No. 4,754,595. Claims 9 to 11 and 15 stand rejected under 35 U.S.C. §103(a) over Langford, Younkes and the Wright et al. US Patent No. 5,639,031. Claims 12, 13 and 16 stand rejected under 35 U.S.C. §103(a) over Langford, Younkes, Wright et al. and Koubek. Applicants traverse each rejection and request reconsideration and reexamination of the application.

The Examiner has objected to claim 15. Applicants have amended claim 15 to correct the dependency.

Each of the rejections under 35 U.S.C. §103(a) rely upon an alleged combination of Langford and Younkes. Applicants respectfully submit that there is no suggestion for making the alleged combination. Younkes uses a semi-permeable membrane to provide a sterile barrier for medicines within a medicinal syringe. The Examiner opines that it would be obvious to employ the closure used by Younkes on the canister disclosed by Langford as it would ensure sterility and allow air to be expelled to the outside. Younkes is a medicinal syringe. Why would one of skill in the art wish to take a closure suitable for a medicinal syringe and seek to put it on Langford's canister? Applicants submit that such motivation comes not from the art but rather from Applicant's specification and is therefore improper.

Even if the alleged combination were made, it would not reach the claimed invention. Both claim 1 and claim 9 from which the other claims depend define a container having a source of sterilizing fluid attachable and detachable from both an inlet port and an outlet port. Nothing in Langford nor Younkes, nor in the other cited references, teaches these limitations. Langford, as shown in FIG. 7 has an inlet port connected to an ozone generator and an outlet port connected to an ozone destruction means. This differs from the claimed invention. Accordingly, the alleged combination fails to reach the claimed invention.

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact Applicant's attorney at the telephone listed below.

Respectfully submitted,

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